

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:)	
)	
Janet Lee Gregory)	Case # 18-42977-659
)	Chapter 7
)	
Debtor)	

**ORDER GRANTING TRUSTEE'S MOTION TO APPROVE (I) A SHORT SALE OF
REAL PROPERTY FREE AND CLEAR OF LIENS, ENCUMBRANCES, AND
INTERESTS PURSUANT TO 11 U.S.C. § 363(b), (f), AND (m), (II) SURCHARGE
AGREEMENT BETWEEN SECURED CREDITOR AND THE ESTATE,
AND (III) OTHER RELIEF
(10551 KAMPING LN SAINT LOUIS, MO 63123)**

THIS CASE came before the Court to consider Chapter 7 Trustee, Tracy Brown's ("Trustee") Motion to (I) Approve a Short Sale of Real Property Free and Clear of Liens, Claims, Encumbrances, and Interests pursuant to 11 U.S.C. Section 363 (b), (f) and (m), (II) Surcharge Agreement Between Secured Creditor and the Estate and (III) Other Relief, (the "Motion") (Dkt. No. 24). The Motion was served upon all interested parties informing the parties of their opportunity to respond within 21 days of the date of service; no party filed a response within the time permitted; and the Court therefore considers the Motion unopposed. Accordingly, it is:

IT IS THEREFORE ORDERED and ADJUDGED as follows:

1. The notice of the Motion is approved as proper and adequate under the circumstances.
2. The Motion is GRANTED in all respects.
3. The Trustee is authorized to sell the real property located at:

LOT 7 OF TWIN HOLLOW, A SUBDIVISION IN ST. LOUIS COUNTY, MISSOURI, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 80 PAGE 4 OF THE ST. LOUIS COUNTY RECORDS.

more commonly known as, 10551 KAMPING LN SAINT LOUIS, MO 63123 (the “Real Property”), for the price of \$108,097.00, conditioned on the consent of its lienholder(s), and in accordance with the terms provided for in the Motion.

4. The Trustee is authorized to pay the first position secured mortgage creditor, U.S. Bank Home Mortgage, and the second position secured mortgage creditor (collectively “Secured Creditor(s)”), the full amount of their liens as of the date of closing or other amount agreeable to the Secured Creditor(s) to release their lien.

5. The Trustee is authorized to take any and all actions and to execute any and all documents necessary and appropriate to effectuate and consummate the terms of said sale, including, executing a Trustee’s Deed conveying the interests of the Debtor and the bankruptcy estate in the Real Property to F and P Property, LLC (the “Buyer”).

6. Pursuant to Section 363(f) of the Bankruptcy Code, effective upon closing, the sale of the Real Property will vest in the Buyer all right, title and interest of the Debtor and the bankruptcy estate in the Real Property, free and clear of the liens, claims or interests listed below (collectively, the “Affected Interests”):

1. Janet L. Gregory, Debtor, name on deed
2. U.S. Bank Home Mortgage, as first mortgage
lienholder

3. U.S. Bank Home Mortgage, as second mortgage
lienholder

7. This Order is and shall be effective as a determination that, upon and subject to the occurrence of the closing of the sale, all Affected Interests have been and hereby are adjudged and declared to be unconditionally released as to the Real Property.

8. The Buyer has not assumed any liabilities of the Debtor.

9. The Trustee, and any escrow agent upon the Trustee's written instruction, shall be authorized to make such disbursements on or after the closing of the sale as are required by the purchase agreement or order of this Court, including, but not limited to, (a) all delinquent real property taxes and outstanding post-petition real property taxes pro-rated as of the closing with respect to the real property included among the purchased assets; and (b) other anticipated closing costs (estimated below):

Total Sales/Brokers Commission of 6% total:

2% to American Realty Group	\$2,161.00
2% to American Realty Group	\$2,161.00
2% to BK Global Real Estate Services	\$2,161.00
Other / Debits:	\$ 5,404.00

506(c) surcharge to Tracy A. Brown, Trustee for the bankruptcy estate of Janet L.

Gregory

Satisfaction of Liens:

1st mortgage loan-US Bank Home Mortgage (home mortgage servicer) \$91,549.92

2nd mortgage loan-US Bank Home Mortgage \$2,845.02

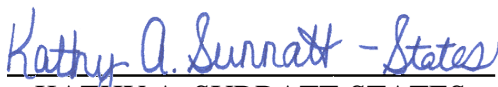
Without further order of the court, the Trustee is authorized to pay closing costs including fees and taxes required for the recording of all applicable documents so long as they are within industry standards.

10. Except as otherwise provided in the Motion, the Real Property shall be sold, transferred, and delivered to Buyer on an “as is, where is” or “with all faults” basis and without representations or warranties of any type, express or implied, being given by the Trustee and her professionals. Any personal property left on the Real Property shall be the responsibility of the Buyer.

11. Buyer is approved as a buyer in good faith in accordance with Section 363(m) of the Bankruptcy Code, and Buyer shall be entitled to all protections of Section 363(m) of the Bankruptcy Code.

12. This Court retains jurisdiction to enforce and implement the terms and provisions of this Order and the purchase agreement, all amendments thereto, any waivers and consents thereunder, and each of the documents executed in connection therewith in all respects, including retaining jurisdiction to (a) compel delivery of the Real Property to the Buyer(s), (b) resolve any disputes arising under or related to the purchase agreement, and (c) resolve any disputes regarding liens, claims, or interests asserted against the Real Property.

13. The purchase agreement and any related documents or other instruments may be modified, amended or supplemented by the parties thereto, in a writing signed by both parties without further order of the Court, provided that any such modification, amendment or supplement does not have a material adverse effect on the Debtor's bankruptcy estate.


KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: May 14, 2019
St. Louis, Missouri
jjh

Order prepared by:

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